

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FREDRICK HEINZ,

Civil Action No.05-73470

Plaintiff,

District Judge George Caram Steeh

vs.

Magistrate Judge Virginia M. Morgan

TESCHENDORF, et al,

Defendants.

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**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

Before the Court is Plaintiff's Motion for Appointment of Counsel. A prisoner has no constitutional or statutory right to the appointment of counsel in a civil rights case. *See, e.g., Lavado v. Keohane*, 992 F.2d 601, 605-06 (6<sup>th</sup> Cir. 1993). The decision whether to appoint counsel is left to the discretion of the court. Typically, this court appoints counsel in a prisoner civil rights case only under exceptional circumstances and, in any event, only after the claims have survived a dispositive motion. There are no exceptional circumstances in this case that would warrant the appointment of counsel at this time, and plaintiff's claims have not yet been tested by a dispositive motion. Accordingly, the court will deny plaintiff's request without prejudice.

IT IS HEREBY ORDERED that the motion is DENIED.

SO ORDERED.

Dated: January 3, 2006

s/ Virginia M. Morgan

VIRGINIA M. MORGAN

UNITED STATES MAGISTRATE JUDGE

Copies sent by U. S. Mail and/or electronic means this date to Frederick Heinz and Counsel of Record.